LEGISLATIVE BUSINESS.

THE CRIMINAL PROCEDURE CODE (AMENDMENT) BILL.

MR. A. NESAMONY: I beg leave to introduce the Criminal Procedure Code (Amendment) Bill. This bill and the reasons therefor has been set out in extenso in the statement of objects and reasons that has been printed along with the bill. This is not a new bill. The same bill was sought to be introduced in the last few sessions of the Sri Mulam Assembly and was set down in the orders of the day but unfortunately it happend to be crowded out and so I am now seeking leave to introducing it in this Legislative Assembly It appears to me from a perusal of the proceedings of the Sri Mulam Assembly which passed Act VIII of 1117 that by an oversight or by inadvertence the second paragraph of Section 174 of Act V of 1067 in the old Criminal Procedure Code was omitted in the new code and so the bill seeks to reintroduce paragraph 2 of Section 174 of the old Code as paragraph 2 of Section 191 of the new Code.

Section 182 of the Travancore Penal Code which makes punishable the contravention of the rules relating to the setting up of places of public worship does not find a place in the Indian Penal Code. This is a section peculiar to Travancore. When that section was enacted, an amendment was made to the Code of Criminal Procedure by prescribing a period of limitation, namely, six months for prosecutions for breach of any of the rules under the promulgation relating to a place of public worship. After that has been made part of the Code of Criminal Procedure, it formed the law of the land till the new Criminal Procedure Code was passed by the Sri Mulam Assembly. Act VIII of 1117 follows the Act in British India which is an Act of 1882 as amended from time to time. The preamble to the Act also clearly sets out that it follows the Indian Act and as this Act was a close copy of the Indian Act and as this did not form part of Section 196 of the Indian Code; Section 174 paragraph 2 was, I believe by inadvertence, omitted. This Bill now seeks to introduce that Section which by inadvertence or oversight did not find a place when the Code was reenacted in 1117. A reference to the proceedings of the Assembly that passed the legislation would go to show that Sections 107 to 273 of the new Code have been passed *en block*, so that it is reasonable to suppose that none of the legislators exercised their mind.....

MR. K. P. NILAKANTA PILLAI: On a point of order. The motion before the House is whether the honourable member is permitted to introduce the bill. At this stage no speech is necessary and the only question is whether there is any objection or not. If anybody raised any objection he may briefly make a statement. Therefore, the only motion before the House is whether he is permitted to introduce the bill. Before any objection is raised, a speech is not in order.

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MR. A. NESAMONY: May I bring to the honourable member's notice Standing Order 30? "If a motion for leave to introduce the Bill is opposed, the President, after permitting, if he thinks fit, a brief explanatory statement from the member who moves and from the member who opposes the motion, may without further debate put the question."

I am just asking leave to introduce the Bill.

That is why I say that when the code was enacted, the Legislature did not exercise its mind. It is no new bill but a re-enacting of the old Act which, by some inadvertence, did not catch the mind of the legislators then. So, I pray for leave to introduce the bill.

MR. K. SIVARAMA PILLAI: I second the motion.

MR. PRESIDENT: I think there is no opposition. Leave is granted to introduce the bill.

MR. A. NESAMONY: I request the permission of the Chair to move, under Standing Order 31, that the Bill be taken into consideration.

MR. PRESIDENT: Leave is granted and the bill would be introduced after publication.

THE TRAVANCORE NEWSPAPERS ACT V OF 1101. (REPEALING) BILL.

MR. P. S. NATARAJA PILLAI: Sir, I want to have a point made clear about the procedure, especially when we realise what has happened to the first bill. I want to know whether I am to ask for leave to introduce the Bill or whether I am to introduce the Bill.

MR. PRESIDENT: You will have to ask leave to introduce the bill.

MR. P. S. NATARAJA PILLAI: Later on, the first introduction stage will come Is that so?

MR. PRESIDENT: You will have to ask leave for introduction of the bill. If leave is granted, you will introduce the bill after its publication.

MR. P. S. NATARAJA PILLAI: Then can I ask, after getting leave to introduce, for introducing the bill today?

HON'BLE MR. T. K. NARAYANA PILLAI: It is to be published in the Gazette.

MR. PRESIDENT: Mr. P. S. Nataraja Pillai will ask leave for introduction and then when the House grants leave, he can introduce the bill after publication. Your bill is not yet published.

MR. P. S. NATARAJA PILLAI: Under Standing Order 30, the bill for first introduction must be available with the members before three days. It says:—"So made available for three days, before the day on which the motion is made....."

MR. PRESIDENT: Order order. You can now ask leave for the introduction of the Bill. Afterwards you may raise those points.

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